



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hugh R. Sharkey et al. Art Unit : 3739
Serial No. : 09/884,859 Examiner : Kenneth G. Schopfer
Filed : June 18, 2001
Title : METHOD OF TREATING INTERVERTEBRAL DISC TISSUE EMPLOYING
ATTACHMENT MECHANISM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

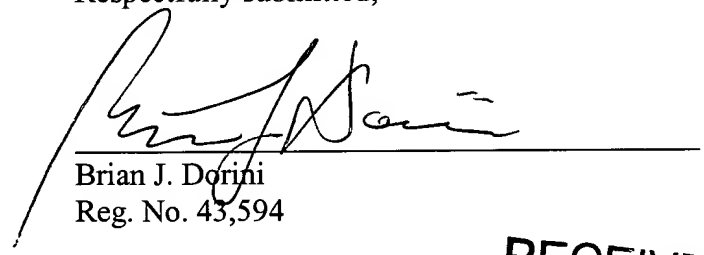
Under 35 USC §120, this application relies on the earlier filing date of application serial number 09/792,628, filed on February 22, 2001. The references listed on the accompanying Form PTO-1449 were submitted to the Office in the prior application and, therefore, are not provided in this Information Disclosure Statement. However, to expedite consideration of the references, and for the Examiner's convenience, attached hereto are English-language abstracts and/or summaries of foreign language documents FA, FD, FG, FH, FZ, GA, GB, HG, HL, and HO, cited in the PTO-1449.

As proof of filing in the parent application, Applicants submit herewith a copy of the postcard which accompanied the IDS filing in the parent application which is stamped "OPIE JC520 PATENT & TRADEMARK OFFICE JUL 09 2001."

This filing is being made with the filing of a Request for Continued Examination. No fee is required.

Respectfully submitted,

Date: SEPTEMBER 16, 2003


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JUL 31 2001

WILSON, SONSINI,
GOODRICH & ROSATI

DOCKETED 24

Title: <u>Apparatus and Method for Accessing and Performing a Function within an Intervertebral Disc</u>		
Inventors/Applicant: <u>H.R. Sharkey et al.</u>		
Application Serial No.: <u>09/792,628</u>		
Filing Date: <u>Feb. 22, 2001</u>		
Type Of Application: <input type="checkbox"/> Provisional <input type="checkbox"/> Original <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> CPA <input type="checkbox"/> PCT		
<input type="checkbox"/> Transmittal of Patent Application <input type="checkbox"/> Specification and Abstract <input type="checkbox"/> Claims <input type="checkbox"/> Drawings <input type="checkbox"/> Missing Parts of Application Transmittal <input type="checkbox"/> Declaration/Oath <input type="checkbox"/> Combined Declaration/Power of Attorney <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Power of Attorney by Assignee <input type="checkbox"/> Assignment/Form PTO 1595 <input type="checkbox"/> Small Entity Declaration	<input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Filing Fee \$ <input type="checkbox"/> Claims in excess \$ <input type="checkbox"/> Independent claims in excess \$ <input type="checkbox"/> Surcharge \$	<input type="checkbox"/> Extension of time fee \$ <input type="checkbox"/> Req-Corr Filing Receipt Fee \$ <input type="checkbox"/> Issue fee/advance order \$ <input type="checkbox"/> Other Fee \$
<input type="checkbox"/> PCT International Application Request Form <input type="checkbox"/> Specification <input type="checkbox"/> Claims <input type="checkbox"/> Abstract <input type="checkbox"/> Drawings	<input type="checkbox"/> Extension of time (____ mo.) <input type="checkbox"/> Request for Corrected Filing Receipt <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 with <u>201</u> references <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Issue Fee <input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Chapter II Request/Fee Sheet <input type="checkbox"/> Response-Invitation to Correct <input type="checkbox"/> Article 34 <input type="checkbox"/> Article 19 <input type="checkbox"/> Response to Written Opinion
<input type="checkbox"/> Express Mail Certificate No. _____ <input checked="" type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Authorization to Charge Deposit Account No. 23-2415		
Attorney Docket No. <u>17616-847</u> Attorney: <u>D.J.W.-I.D.P.</u>		
Date Mailed: <u>7/5/01</u>		

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Substitute Form PTO-1449
(Modified)U.S. Department of Commerce
Patent and Trademark OfficeAttorney's Docket No.
14170-037002Application No.
09/884,859**Information Disclosure Statement
by Applicant**

(Use several sheets if necessary)

(37 CFR §1.98(b))

Applicant
Hugh R. Sharkey et al.Filing Date
June 18, 2001Group Art Unit
3739**U.S. Patent Documents**

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	5,487,757	1/30/96	Truckai et al.			
	AB	5,500,012	3/19/96	Brucker et al.			
	AC	5,599,346	2/4/97	Edwards et al.			
	AD	5,267,994	12/7/93	Gentelia et al.			
	AE	5,423,806	6/13/95	Dale et al.			
	AF	4,601,705	7/22/86	McCoy et al.			
	AG	5,242,439	9/7/93	Larsen et al.			
	AH	5,437,661	8/1/95	Rieser			
	AI	5,201,731	4/13/93	Hakky			
	AJ	5,498,258	3/12/96	Hakky et al.			
	AK	5,527,331	6/18/96	Kresch et al.			
	AL	5,718,702	2/17/98	Edwards			
	AM	5,782,795	7/21/98	Bays			
	AN	5,810,809	9/22/98	Rydell			
	AO	5,415,633	5/16/95	Lazarus et al.			
	AP	4,838,859	6/13/89	Strassmann			
	AQ	4,590,934	5/27/86	Malis et al.			
	AR	5,397,304	3/14/95	Truckai			
	AS	5,433,739	7/18/95	Sluijter et al.			
	AT	5,201,729	4/13/93	Hertzmman et al.			
	AU	3,178,728	4/20/65	Christensen			
	AV	3,579,643	5/25/71	Morgan			
	AW	3,776,230	12/4/73	Neeffe			
	AX	3,867,728	2/25/75	Substad et al.			
	AY	3,879,767	4/29/75	Substad			
	AZ	3,886,600	6/3/75	Kahn et al.			

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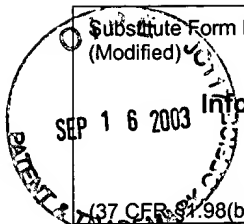
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 Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 14170-037002	Application No. 09/884,859
	Information Disclosure Statement by Applicant (Use several sheets if necessary)			
	Applicant Hugh R. Sharkey et al.		Filing Date June 18, 2001	Group Art Unit 3739

	BA	3,938,198	2/17/76	Kahn et al.			
	BB	3,987,499	10/26/76	Scharbach et al.			
	BC	3,992,725	11/23/76	Homsy			
	BD	4,043,342	8/23/77	Morrison, Jr.			
	BE	4,085,466	4/25/78	Goodfellow et al.			
	BF	4,129,470	12/12/78	Homsy			
	BG	4,224,696	9/30/80	Murray et al.			
	BH	4,224,697	9/30/80	Murray et al.			
	BI	4,326,529	4/27/82	Doss et al.			
	BJ	4,344,193	8/17/82	Kenny			
	BK	4,362,160	12/7/82	Hiltebrandt			
	BL	4,375,220	3/1/83	Matvias			
	BM	4,381,007	4/26/83	Doss			
	BN	4,397,314	8/9/83	Vaguine			
	BO	4,483,338	11/20/84	Bloom et al.			
	BP	4,517,965	5/21/85	Ellison			
	BQ	4,517,975	5/21/85	Garito et al.			
	BR	4,593,691	6/10/86	Lindstrom et al.			
	BS	4,597,379	7/1/86	Kihn et al.			
	BT	4,811,733	3/14/89	Borsanyi et al.			
	BU	4,873,976	10/17/89	Schreiber			
	BV	4,894,063	1/16/90	Nashef			
	BW	4,895,148	1/23/90	Bays et al.			
	BX	4,907,585	3/13/90	Schachar			
	BY	4,907,589	3/13/90	Cosman			
	BZ	4,924,865	5/15/90	Bays et al.			

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Patent and Trademark Office

Attorney's Docket No.

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(37 CFR §1.98(b))

Applicant

Hugh R. Sharkey et al.

Filing Date

June 18, 2001

Group Art Unit

3739

	CA	4,944,727	7/31/90	McCoy			
	CB	4,950,234	8/21/90	Fujioka			
	CC	4,966,597	10/30/90	Cosman			
	CD	4,976,709	12/11/90	Sand			
	CE	4,976,715	12/11/90	Bays et al.			
	CF	4,998,933	3/12/91	Eggers et al.			
	CG	5,007,908	4/16/91	Rydell			
	CH	5,009,656	4/23/91	Reimels			
	CI	5,100,402	3/31/92	Fan			
	CJ	5,103,804	4/14/92	Abele et al.			
	CK	5,178,620	1/12/93	Eggers et al.			
	CL	5,191,883	3/9/93	Lennox et al.			
	CM	5,201,730	4/13/93	Easley et al.			
	CN	5,213,097	5/25/93	Zeindler			
	CO	5,230,334	7/27/93	Klopotek			
	CP	5,242,441	9/7/93	Avitall			
	CQ	5,261,906	11/16/93	Pennino et al.			
	CR	5,275,151	1/4/94	Shockey et al.			
	CS	5,284,479	2/8/94	de Jong			
	CT	5,304,169	4/19/94	Sand			
	CU	5,311,858	5/17/94	Adair			
	CV	5,320,115	6/14/94	Kenna			
	CW	5,323,778	6/28/94	Kandarpa et al.			
	CX	5,334,193	8/2/94	Nardella			
	CY	5,348,554	9/20/94	Imran et al.			
	CZ	5,366,443	11/22/94	Eggers et al.			

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Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR § 1.98(b))		Applicant Hugh R. Sharkey et al.	
		Filing Date June 18, 2001	Group Art Unit 3739

	EA	5,366,490	11/22/94	Edwards et al.			
	EB	5,382,247	1/17/95	Cimino et al.			
	EC	5,401,272	3/28/95	Perkins			
	ED	5,437,662	8/1/95	Nardella			
	EE	5,451,223	9/19/95	Ben-Simhon			
	EF	5,524,338	6/11/96	Martyniuk et al.			
	EG	5,630,839	5/20/97	Corbett, III, et al.			
	EH	5,681,282	10/28/97	Eggers et al.			
	EI	5,683,366	11/4/97	Eggers et al.			
	EJ	5,688,270	11/18/97	Yates et al.			
	EK	5,697,909	12/16/97	Eggers et al.			
	EL	4,074,718	2/21/78	Morrison, Jr.			
	EM	5,085,659	2/4/92	Rydell			
	EN	5,464,023	11/7/95	Viera			

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Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Sub classes	Translation	
							Yes	No
	EO	0 682 910	11/22/95	EPO				
	EP	0 274 705	7/20/88	EPO				
	EQ	0 729 730	4/9/96	EPO				
	ER	0 521 595	1/7/93	EPO				
	ES	0 737 487	10/16/96	EPO				
	ET	0 257 116	3/2/88	EPO				
	EU	0 479 482 A1	4/8/92	EPO				
	EV	0 479 482 B1	5/1/96	EPO				
	EW	0 542 412	5/19/93	EPO				
	EX	0 572 131	12/1/93	EPO				
	EY	0 558 297	9/1/93	EPO				
	EZ	0 566 450	10/20/93	EPO			Abstract Yes	
Examiner Signature				Date Considered				
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	Applicant Hugh R. Sharkey et al.		
	Filing Date June 18, 2001	Group Art Unit 3739	

	FA	0 783 903	7/16/97	EPO			Abstract Yes	
	FB	35 11 107	10/2/86	Germany				
	FC	2,164,473	3/19/86	UK				
	FD	637118	12/15/78	USSR			Abstract Yes	
	FE	1,340,451	12/12/73	UK				
	FF	WO 96/34568	7/11/96	WIPO				
	FG	WO 85/02762	7/4/85	WIPO			Abstract Yes	
	FH	WO 93/01774	2/4/93	WIPO			Abstract Yes	
	FI	WO 95/20360	8/3/95	WIPO				
	FJ	WO 95/30373	11/16/95	WIPO				
	FK	WO 92/10142	6/25/92	WIPO				
	FL	WO 93/20984	10/28/93	WIPO				
	FM	WO 95/01814	1/19/95	WIPO				
	FN	WO 95/13113	5/18/95	WIPO				
	FO	WO 95/18575	7/13/95	WIPO				
	FP	WO 96/39914	12/19/96	WIPO				
	FQ	WO 97/06855	2/27/97	WIPO				
	FR	WO 98/07468	2/26/98	WIPO				
	FS	WO 93/16648	9/2/93	WIPO				
	FT	WO 95/25471	9/28/95	WIPO				
	FU	WO 95/30377	11/16/95	WIPO				
	FV	WO 95/34259	12/21/95	WIPO				
	FW	WO 96/11638	4/25/96	WIPO				
	FX	WO 96/32051	10/17/96	WIPO				
	FY	WO 96/35471	11/7/96	WIPO				
	FZ	36 32 197	3/31/88	Germany			Abstract Yes	

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		Filing Date June 18, 2001	Group Art Unit 3739

	GA	5-42166	2/23/93	Japan			Abstract Yes	
	GB	2,645,008	3/28/89	France			Abstract Yes	

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	GC	Christian, C.A., and Indelicato, P.A., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique," <u>Operative Techniques in Sports Medicine</u> , Vol. 1, No. 1, January, 1993, pp. 50-57
	GD	Houpt, J.C., et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc," <u>SPINE</u> , Vol. 21, No. 15, pp. 1808-1813
	GE	Beadling, L., "Bi-Polar Electrosurgical Devices: Sculpting the Future of Arthroscopy," <u>Orthopedics Today</u> , Vol. 7, No. 1, 4 pages
	GF	Troussier B., et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study," <u>SPINE</u> , Vol. 20, No. 15, August 1, 1995, pp. 1713-1718
	GG	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, brochures from Valleylab, Concept, and Zimmer
	GH	Attachment II: Competitive Literature on Generators with Bipolar Forceps and Footswitch Controls, brochures from Weck Electrosurgery, Bard Electro Medical Systems and Valleylab
	GI	"What's New in Office Electrosurgery? Radiosurgery!," Ellman International Manufacturing, Inc., product brochure, 9 pages, 1989
	GJ	Cosset, J.M., "Resistive Radiofrequency (Low Frequency) Interstitial heating (RF Technique)," <u>Interstitial Hypothermia</u> , December 6, 1993, pp. 3-5 and 37-41
	GK	"The Less-Invasive Laser Advantage," Product Brochure, Trimedyn
	GL	"Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology," Laser Centers of America Press Release dated 12/12/94, 3 pages
	GM	Introduction to the LDD Disc Kit, October 16, 1996
	GN	Mayer, H.M., et al., "Lasers in Percutaneous Disc Surgery," <u>Acta Orthopaedica Scandinavica Supplementum</u> 251, Vol 64, 1993, pp. 38-44
	GO	Savitz, M.H., "Same-Day Microsurgical Arthroscopic Lateral-Approach Laser-Assisted (SMALL) Fluoroscopic Discectomy," <u>Neurosurgery</u> , Vol. 80, June 1994, pp. 1039-1045
	GP	Schatz, S.W., and Talalla, A., "Preliminary Experience with Percutaneous Laser Disc Decompression in the Treatment of Sciatica," <u>CJS-JCC</u> , Vol. 38, No. 5, October 1995, pp. 432-436
	GQ	Bosacco, S.J., et al., "Functional Results of Percutaneous Laser Discectomy," <u>The American Journal of Orthopedics</u> , December 1996, pp. 825-828
	GR	Cosman, E.R., et al., "Theoretical Aspects of Radiofrequency Lesions in the Dorsal Root Entry Zone," <u>Neurosurgery</u> , Vol. 15, No. 6, 1984, pp. 945-950
	GS	Sluijter, M.E., "The Use of Radiofrequency Lesions for Pain Relief in Failed Back Patients," <u>Int Disabil Studies</u> , Vol. 10, September 4, 1996, pp. 37-43
	GT	Wilkins, et al., "Method of Making Nervous System Lesions," <u>Neurosurgery</u> , Ch. 337, pp. 2490-2499
	GU	Yonezawa T., et al., "The System and Procedures of Percutaneous Intradiscal Laser Nucleotomy," <u>SPINE (Japanese Edition)</u> , Vol. 15, No. 11, 1990, pp. 1175-1185

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	HA	Kolařík, J., et al., "Photonucleolysis of Intervertebral Disc and Its Herniation," <u>Zentralblatt für Neurochirurgie</u> , Vol. 51, No. 2, 1990, pp. 69-71
	HB	Gottlob, C., et al., "Holmium: YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation," <u>Lasers in Surgery and Medicine</u> , Vol. 12, 1992, pp. 86-91
	HC	Buchelt, M., et al., "Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro," <u>Lasers in Surgery and Medicine</u> , Vol. 11, 1991, pp. 280-286
	HD	Choy, D.S.J., et al., "Percutaneous Laser Disc Decompression: A New Therapeutic Modality," <u>SPINE</u> , Vol. 17, No. 8, 1992, pp. 949-956
	HE	Sluijter, M.E., "The Use of Radiofrequency Lesions for Pain Relief in Failed Back Patients," <u>Int Disabil Studies</u> , Vol. 10, September 4, 1996, pp. 37-43
	HF	Sluijter, M.E., and Mehta, M., "Treatment of Chronic Back and Neck Pain by Percutaneous Thermal Lesions," <u>Persistent Pain: Modern Methods of Treatment</u> , Vol. 3, Chapter 8, pp. 141-178, S. Lipton and J. Miles, eds., 1981
	HG	Gerber, B.E., et al., "Offene Laserchirurgie am Bewegungsapparat," <u>Orthopäde</u> (1996) 25, pp. 56-63 (<i>English-language summary provided</i>)
	HH	Sluyter, M.E., "Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes," <u>Radionics</u> , pp. 1-24, 1980
	HI	Kelly, L.E., "Purification and Properties of a 23 kDa Ca ²⁺ -binding Protein from <i>Drosophila Melanogaster</i> ," <u>Biochem J.</u> , Vol. 271, 1990, pp. 661-666
	HJ	Gehring, W.J., "Exploring the Homeobox," <u>Gene</u> , Vol. 135, 1993, pp. 215-221
	HK	Buchelt, M., et al., "Erb: YAG and Hol: YAG Laser Ablation of Meniscus and Intervertebral Discs," <u>Lasers in Surgery and Medicine</u> , Vol. 12, No. 4, 1992, pp. 375-381
	HL	Leu, H. and Schreiber, A., "Endoskopie der Wirbelsäule: Minimal-Invasive Therapie," <u>Orthopäde</u> , Vol. 21, No. 4, August 1992, pp. 267-272 (<i>English-language summary provided</i>)
	HM	Phillips, J.J., et al., "MR Imaging of Ho: YAG Laser Discectomy with Histologic Correlation," <u>Journal of Magnetic Resonance Imaging</u> , Vol. 3, No. 3, May/June 1993, pp. 515-520
	HN	Bromm, B., and Treede, R.-D., "Nerve Fibre Discharges, Cerebral Potentials and Sensations Induced by CO ₂ Laser Stimulation," <u>Human Neurobiology</u> , Vol. 3, No. 1, 1984, pp. 33-40
	HO	Vorwerk, V.D., et al., "Laserablation des Nucleus Pulposus: Optische Eigenschaften von Dengeriertem Bandscheibengewebe im Wellenlängenbereich von 200 bis 2200 nm," <u>RÖFO</u> , Vol. 151, No. 6, December 1989, pp. 647-790 (<i>English-language abstract provided</i>)
	HP	Wolgin, M., et al., "Excimer Ablation of Human Intervertebral Disc at 308 Nanometers," <u>Lasers in Surgery and Medicine</u> , Vol. 9, No. 2, 1989, pp. 124-131
	HQ	Davis, J. K., "Early Experience with Laser Disc Decompression A Percutaneous Method," <u>Journal of the Florida Medical Association, Inc.</u> , Vol. 79, No. 1, January 1992, pp. 37-39
	HR	Quigley, M.R., et al., "Laser Discectomy Comparison of Systems," <u>SPINE</u> , Vol. 19, No. 3, February 1, 1994, pp. 319-322
	HS	Mehta, M. and Sluijter, M.E., "The Treatment of Chronic Back Pain," <u>Anaesthesia</u> , Vol. 34, No. 8, September 1979, pp. 768-775
	HT	Patil, A.A., et al., "Percutaneous Discectomy Using the Electromagnetic Field Focusin Probe. A Feasibility Study," <u>International Surgery</u> , Vol. 76, 1991, pp. 30-32
	HU	McCulloch, J.A., and Organ, L.W., "Percutaneous Radiofrequency Lumbar Rhizolysis (Rhizotomy)," <u>Canadian Medical Association Journal</u> , Vol. 116, No. 1, January 8, 1977, pp. 30-33
	HV	Sminia, P., et al., "Effects of 434 MHz Microwave Hypothermia Applied to the Rat in the Region of the Cervical Spinal Cord," <u>Int. J. Hyperthermia</u> , Vol. 3, No. 5, 1987, pp. 441-452

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	Applicant Hugh R. Sharkey et al.			
	Filing Date June 18, 2001		Group Art Unit 3739	

	DA	5,458,569	10/17/95	Lax et al.			
	DB	5,465,737	11/14/95	Schachar			
	DC	5,484,403	1/16/96	Yoakum et al.			
	DD	5,484,432	1/16/96	Sand			
	DE	5,484,435	1/16/96	Fleenor et al.			
	DF	5,507,812	4/16/96	Moore			
	DG	5,514,130	5/7/96	Baker			
	DH	5,542,920	8/6/96	Cherif Cheikh			
	DI	5,569,242	10/29/96	Lax et al.			
	DJ	2,090,923	8/24/97	Wappler			
	DK	3,856,015	12/24/74	Iglesias			
	DL	3,945,375	3/23/76	Banko			
	DM	4,134,406	1/16/79	Iglesias			
	DN	4,476,862	10/16/84	Pao			
	DO	4,651,734	3/24/87	Doss et al.			
	DP	4,815,462	3/28/89	Clark			
	DQ	4,955,882	9/11/90	Hakky			
	DR	5,085,657	2/4/92	Ben-Simhon			
	DS	5,098,430	3/24/92	Fleenor			
	DT	5,186,181	2/16/93	Franconi et al.			
	DU	5,192,267	3/9/93	Shapira et al.			
	DV	5,308,311	5/3/94	Eggers et al.			
	DW	5,342,357	8/30/94	Nardella			
	DX	5,352,868	10/4/94	Denen et al.			
	DY	5,354,331	10/11/94	Schachar			
	DZ	5,364,395	11/15/94	West, Jr.			

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Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	